

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

John T. Metcalf, et al.

Plaintiffs,

v.

Sophocles N. Zoullas, et al.,

Defendants.

11 Civ. 3996 (AKH) (HBP)

**NOTICE OF CORPORATE DEFENDANTS'
MOTION FOR LEAVE TO FILE UNDER SEAL**

PLEASE TAKE NOTICE that pursuant to paragraph 4.B. of the Individual Rules of the Honorable Alvin K. Hellerstein (“Individual Rules”), Defendants Sophocles N. Zoullas, Alexis P. Zoullas, Alan S. Ginsberg, and nominal defendant Eagle Bulk Shipping Inc. (the “Corporate Defendants”) hereby request leave to allow certain exhibits filed in support of the Motion for Summary Judgment dated April 1, 2013 filed by Defendants Douglas P. Haensel, Jon Tomasson, Joseph M. Cianciolo, David B. Hiley, Thomas B. Winmill, Forrest E. Wylie (“the Outside Directors”) (Docket # 46) to be filed under seal.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b) and Federal Rule of Civil Procedure 6(a), any papers opposing the Corporate Defendants’ Motion for Leave to File Under Seal must be served within fourteen (14) days after service on Plaintiffs unless otherwise ordered by the Court. Any reply papers shall be served in accordance with the Local Civil Rules and Federal Rules of Civil Procedure unless otherwise ordered by the Court.

WHEREFORE, the Corporate Defendants respectfully request that the Court enter an order authorizing the filing under seal of those exhibits set forth in the Corporate

Defendants' contemporaneously filed Memorandum of Law in Support of their Motion for Leave to File Under Seal, and granting such other further and different relief as it deems just and proper.

New York, New York
April 1, 2013

Respectfully submitted,

SEWARD & KISSEL LLP

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